

AMENDED IN SENATE APRIL 3, 2008

**SENATE BILL**

**No. 1236**

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**Introduced by Senator Padilla**

(Principal coauthor: Assembly Member Davis)

**(Coauthor: ~~Senator Cedillo~~ Coauthors: *Senators Cedillo and Romero*)**

(Coauthors: Assembly Members Jones and Ma)

February 14, 2008

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An act to amend Section 76000.5 of the Government Code, and to amend Section 1797.98a of the Health and Safety Code, relating to county penalties.

LEGISLATIVE COUNSEL'S DIGEST

SB 1236, as amended, Padilla. Fines and forfeitures.

Existing law, until January 1, 2009, authorizes a county board of supervisors to elect to levy an additional penalty in the amount of \$2 for every \$10, upon fines, penalties, and forfeitures collected for criminal offenses, as specified.

Existing law, until January 1, 2009, requires 15% of the funds collected pursuant to that additional penalty to be expended for pediatric trauma centers.

This bill would ~~delete~~ *extend* the repeal date of these provisions; ~~thereby extending the operation of these provisions indefinitely until January 1, 2014.~~

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 76000.5 of the Government Code is amended to read:

76000.5. (a) (1) Except as otherwise provided elsewhere in this section, for purposes of supporting emergency medical services pursuant to Chapter 2.5 (commencing with Section 1797.98a) of Division 2.5 of the Health and Safety Code, in addition to the penalties set forth in Section 76000, the county board of supervisors may elect to levy an additional penalty in the amount of two dollars (\$2) for every ten dollars (\$10), or part of ten dollars (\$10), upon every fine, penalty, or forfeiture imposed and collected by the courts for all criminal offenses, including violations of Division 9 (commencing with Section 23000) of the Business and Professions Code relating to the control of alcoholic beverages, and all offenses involving a violation of the Vehicle Code or any local ordinance adopted pursuant to the Vehicle Code. This penalty shall be collected together with and in the same manner as the amounts established by Section 1464 of the Penal Code.

(2) This additional penalty does not apply to the following:

(A) Any restitution fine.

(B) Any penalty authorized by Section 1464 of the Penal Code or this chapter.

(C) Parking offenses subject to Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

(D) The state surcharge authorized by Section 1465.7 of the Penal Code.

(b) Funds shall be collected pursuant to subdivision (a) only if the county board of supervisors provides that the increased penalties do not offset or reduce the funding of other programs from other sources, but that these additional revenues result in increased funding to those programs.

(c) Money collected pursuant to subdivision (a) shall be taken from fines and forfeitures deposited with the county treasurer prior to any division pursuant to Section 1463 of the Penal Code.

(d) Funds collected pursuant to this section shall be deposited into the Maddy Emergency Medical Services (EMS) Fund established pursuant to Section 1797.98a of the Health and Safety Code.

1     (e) *This section shall remain in effect only until January 1, 2014,*  
2     *and as of that date is repealed, unless a later enacted statute, that*  
3     *is enacted before January 1, 2014, deletes or extends that date.*

4     SEC. 2. Section 1797.98a of the Health and Safety Code is  
5     amended to read:

6     1797.98a. (a) The fund provided for in this chapter shall be  
7     known as the Maddy Emergency Medical Services (EMS) Fund.

8     (b) (1) Each county may establish an emergency medical  
9     services fund, upon the adoption of a resolution by the board of  
10    supervisors. The moneys in the fund shall be available for the  
11    reimbursements required by this chapter. The fund shall be  
12    administered by each county, except that a county electing to have  
13    the state administer its medically indigent services program may  
14    also elect to have its emergency medical services fund administered  
15    by the state.

16    (2) Costs of administering the fund shall be reimbursed by the  
17    fund, based on the actual administrative costs, not to exceed 10  
18    percent of the amount of the fund.

19    (3) All interest earned on moneys in the fund shall be deposited  
20    in the fund for disbursement as specified in this section.

21    (4) Each administering agency may maintain a reserve of up to  
22    15 percent of the amount in the portions of the fund reimbursable  
23    to physicians and surgeons, pursuant to subparagraph (A) of, and  
24    to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each  
25    administering agency may maintain a reserve of any amount in  
26    the portion of the fund that is distributed for other emergency  
27    medical services purposes as determined by each county, pursuant  
28    to subparagraph (C) of paragraph (5).

29    (5) The amount in the fund, reduced by the amount for  
30    administration and the reserve, shall be utilized to reimburse  
31    physicians and surgeons and hospitals for patients who do not  
32    make payment for emergency medical services and for other  
33    emergency medical services purposes as determined by each county  
34    according to the following schedule:

35    (A) Fifty-eight percent of the balance of the fund shall be  
36    distributed to physicians and surgeons for emergency services  
37    provided by all physicians and surgeons, except those physicians  
38    and surgeons employed by county hospitals, in general acute care  
39    hospitals that provide basic or comprehensive emergency services  
40    up to the time the patient is stabilized.

1 (B) Twenty-five percent of the fund shall be distributed only to  
2 hospitals providing disproportionate trauma and emergency medical  
3 care services.

4 (C) Seventeen percent of the fund shall be distributed for other  
5 emergency medical services purposes as determined by each  
6 county, including, but not limited to, the funding of regional poison  
7 control centers. Funding may be used for purchasing equipment  
8 and for capital projects only to the extent that these expenditures  
9 support the provision of emergency services and are consistent  
10 with the intent of this chapter.

11 (c) The source of the moneys in the fund shall be the penalty  
12 assessment made for this purpose, as provided in Section 76000  
13 of the Government Code.

14 (d) Any physician and surgeon may be reimbursed for up to 50  
15 percent of the amount claimed pursuant to subdivision (a) of  
16 Section 1797.98c for the initial cycle of reimbursements made by  
17 the administering agency in a given year, pursuant to Section  
18 1797.98e. All funds remaining at the end of the fiscal year in excess  
19 of any reserve held and rolled over to the next year pursuant to  
20 paragraph (4) of subdivision (b) shall be distributed proportionally,  
21 based on the dollar amount of claims submitted and paid to all  
22 physicians and surgeons who submitted qualifying claims during  
23 that year.

24 (e) Of the money deposited into the fund pursuant to Section  
25 76000.5 of the Government Code, 15 percent shall be utilized to  
26 provide funding for all pediatric trauma centers throughout the  
27 county, both publicly and privately owned and operated. The  
28 expenditure of money shall be limited to reimbursement to  
29 physicians and surgeons, and to hospitals for patients who do not  
30 make payment for emergency care services in hospitals up to the  
31 point of stabilization, or to hospitals for expanding the services  
32 provided to pediatric trauma patients at trauma centers and other  
33 hospitals providing care to pediatric trauma patients, or at pediatric  
34 trauma centers, including the purchase of equipment. Local  
35 emergency medical services (EMS) agencies may conduct a needs  
36 assessment of pediatric trauma services in the county to allocate  
37 these expenditures. Counties that do not maintain a pediatric trauma  
38 center shall utilize the money deposited into the fund pursuant to  
39 Section 76000.5 of the Government Code to improve access to,  
40 and coordination of, pediatric trauma and emergency services in

1 the county, with preference for funding given to hospitals that  
2 specialize in services to children, and physicians and surgeons  
3 who provide emergency care for children. Funds spent for the  
4 purposes of this section, shall be known as Richie's Fund. *This*  
5 *subdivision shall remain in effect only until January 1, 2014, and*  
6 *shall have no force or effect on or after that date, unless a later*  
7 *enacted statute, that is chaptered before January 1, 2014, deletes*  
8 *or extends that date.*

9 (f) Costs of administering money deposited into the fund  
10 pursuant to Section 76000.5 of the Government Code shall be  
11 reimbursed from the money collected, not to exceed 10 percent.  
12 *This subdivision shall remain in effect only until January 1, 2014,*  
13 *and shall have no force or effect on or after that date, unless a*  
14 *later enacted statute, that is chaptered before January 1, 2014,*  
15 *deletes or extends that date.*